



Department of Human Resources  
311 W. Saratoga St.  
Baltimore, MD. 21201-3521

## FIA ACTION TRANSMITTAL

**Control Number: 15-17**

**Effective Date: Immediately**

**Issuance Date: December 22, 2014**

**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES  
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT  
FAMILY INVESTMENT SUPERVISORS AND CASE MANAGERS**

**FROM: ROSEMARY MALONE, EXECUTIVE DIRECTOR**

**RE: TIMELY NOTICE OF ADVERSE ACTION**

**PROGRAM AFFECTED: TEMPORARY CASH ASSISTANCE (TCA), FOOD  
SUPPLEMENT PROGRAM (FSP), TEMPORARY  
DISABILITY ASSISTANCE PROGRAM (TDAP)**

**ORIGINATING OFFICE: OFFICE OF PROGRAMS**

### **SUMMARY:**

The Bureau of Policy, Research and Training (PRT) recently received general questions about sending a Notice of Adverse Action (NOAA). The Bureau also received specific questions about adequate mailing time to ensure the action taken by the case manager are timely and the customer receives the NOAA in the appropriate time frame.

Our rules require timely and adequate notice prior to any action to reduce or terminate a household's assistance benefits. The NOAA is considered timely if there are **10 calendar days** from the mailing date of the notice to the effective date of the action. In addition, case managers must remember that CARES adds an **additional three mailing days** to the 10 day adverse action time for a total of 13 days before the expiration of the adverse action period and the action is taken.

### **ACTION REQUIRED:**

Please process interim changes at least 13 calendar days prior to the end of the month when adverse action must take effect the following month.

DHR prints and mails CARES notices from the central mail room located in the Saratoga Street office. A NOAA or other notice generated in overnight batch on Friday is dated for that Friday but will not be mailed until Monday.

Case managers must review not only the NOAA, but the effective date of the action to ensure it is appropriate and timely. In order to comply with program policy, the case manager must maintain an awareness of last date of each month for sending timely and adequate notice for an end of month closure.

That means if it is the 15<sup>th</sup> of the month and the program's policy requires the action to be effective the next month, you can impose the change timely –  $15 + 13 = 28$  days. But, if it is the 20<sup>th</sup> and the case manager needs the action to be effective the next month, the case manager **must suppress the adverse action time on the CARES CAFI, FSFI or MAFI screen by putting a "Y" in the Waive Adverse Action time field. DO NOT SUPPRESS THE NOTICE.**

Failure to suppress the time causes the action you are taking to be effective the month following the month you are working in. This may result in payment and Quality Control errors. However, your reason for waiving adverse action time must be supported by the program's rules and regulations.

#### **Examples:**

1. Customer reported and verified earnings from a new job. On December 19, the case manager enters the earnings information into CARES to reduce the customer's benefits effective January 1. There is 10 days adverse action time to ensure the notice goes out timely for January 1. **However**, CARES adds 3 days mailing time to the 10 days adverse action time.

December 19 + 10 days = December 29 + 3 additional days and the date is now January 1. The adverse action period expires on January 1. The adverse action takes place effective Feb. 1.

The potential QC error and overpayment for January are Agency caused. The benefit should have been reduced effective January benefits.

2. A case manager from another state calls and reports that a Maryland customer moved out of Maryland and applied for benefits in the new state. The Maryland case manager considers that it is December 19 plus 10 days adverse action, "great, I can close this case before the end of December and the customer can receive benefits at her new address."

Dec 19+ 10 days=Dec. 29

The case manager enters the customer's new address into CARES and e-mails the other state's case manager that the case will close December 31 for Jan. The new state will issue January benefits.

**However, December 29 + 3 days CARES mailing time = January 1.** The case will not close until the end of January. The customer will receive benefits in both Maryland and the new state.

The potential QC error and overpayment for February are Agency caused. The benefit should have been closed effective January 31<sup>st</sup>.

### **CARES PROCEDURES:**

If there are not 13 days left in the month you are working in, and the adverse action needs to be effective at the end of the current month then:

- On the CAFI, FSFI or MAFI screen(s) place a “Y” in the “Waive Advr Act Period” field.
- Remember that the notice(s) generated should **NOT** be overridden unless there is a compelling reason to not send the notice to the household (e.g., the only household member has died and there is no one else affected by the adverse action).

### **INQUIRIES:**

Please direct FSP questions to Rick McClendon [rick.mcclendon@maryland.gov](mailto:rick.mcclendon@maryland.gov) telephone 410-767-7307 or Vera Lynch [vera.lynch@maryland.gov](mailto:vera.lynch@maryland.gov) telephone 410-767-7953. Direct TCA and TDAP questions to Fatmata Khella at [fatmata.khella@maryland.gov](mailto:fatmata.khella@maryland.gov) or 410-767-7956.

c: DHR Executive Staff  
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